

PG21.1.373

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April 2, 2013

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Your Worship and Members of Council:

**Re: Proposed New Comprehensive Zoning By-law ("New By-law")
180 University Holdings Inc.**

And Re: Item PG21.1 – Final Report on the City Wide Zoning By-law

We are the solicitors for 180 University Holdings Inc., being the owner of portions of the property municipally known as 180-188 University Avenue, 192 and 194 Adelaide Street West. (the "Site"). The Site is located at the northwest corner of University Avenue and Adelaide Street West, and is improved with a 66-storey mixed use building, which includes, in part, a residential condominium and a hotel, in accordance with Official Plan Amendment 364, adopted by By-law No. 468-2006, Site-Specific Zoning By-law No. 469-2006 (the "Site Specific Zoning By-law"), and an approved application for Site Plan Approval (City File No. 06 119513 STE 20 SA).

Based on our review of the New By-law, it appears that the Site is proposed to be zoned CR 12.0 (c8.0; r11.7) SS1 (x2333). Exception 2333 provides that the Site Specific Zoning By-law applies to the Site as a "prevailing by-law", but in turn sets out an additional "prevailing by-law" (By-law 287-90) and "prevailing sections" that apply to the Site, including Section 12(2) 276 of the former City of Toronto By-law 438-86. However, in the case of By-law 287-90 and Section 12(2)276, the Site Specific Zoning By-law expressly provided that these shall not apply to prevent the erection and use of the building permitted thereunder. It is unclear how this New By-law applies to resolve any conflicts that may arise between the Site Specific Zoning By-law and the New By-law as a whole, particularly as it relates to the By-law 287-90 and Section 12(2)276 of By-law 438-86.

Our client is also concerned that the New By-law proposes changes to certain definitions and performance standards, including changes that may impact zoning permissions, such as the introduction of "standard sets", newly imposed requirements for setbacks, vehicle parking, loading, and bicycle parking, and built form restrictions. Generally speaking, it is our client's submission that the entire zoning regime applicable to the Site should reflect the permissions and provisions contemplated by the existing approvals.

Our clients would object to any amendments to the New By-law which would serve to derogate from the permissions contemplated by either the existing zoning framework or official plan provisions as they relate to the Site.

We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Community Council, Council, or any Committee.

Thank you for your attention in this regard.

Yours very truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read "Daniel B. Artenosi". The signature is fluid and cursive, with a horizontal line extending to the right.

Daniel B. Artenosi

DBA

c. Theo Ong